

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

WESLEY DEAN HESTER,

Plaintiff,

v.

Case No. 2:23-cv-00516 DHU-LF

LEA COUNTY CORRECTIONAL FACILITY
(GEO GROUP) STAFF; NEW MEXICO
CORRECTIONS DEPARTMENT; WEXFORD
HEALTH SERVICES AND STAFF THEREOF,

Defendants.

**ORDER OVERRULING OBJECTIONS AND ADOPTING THE MAGISTRATE
JUDGE’S PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The Magistrate Judge filed her Proposed Findings and Recommended Disposition (“PFRD”) on January 24, 2025. Doc. 110. The PFRD notified the parties of their ability to file objections within fourteen days, and that failure to do so waived appellate review. *Id.* at 9. On February 7, 2025, Defendant New Mexico Corrections Department filed objections to the Magistrate Judge’s PFRD. Doc. 119.

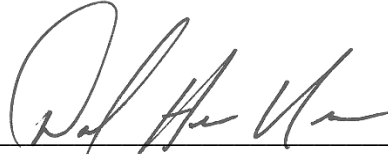
Pursuant to FED. R. CIV. P. 72(b), the Court has conducted a de novo review of the record and all parts of the Magistrate Judge’s PFRD that have been properly objected to. After conducting this de novo review, and having thoroughly considered the Magistrate Judge’s PFRD and the objections, the Court finds no reason either in law or fact to depart from the Magistrate Judge’s recommended disposition.

IT IS THEREFORE ORDERED AS FOLLOWS:

1. The objections of the New Mexico Corrections Department are OVERRULED;
2. The Magistrate Judge’s Proposed Findings and Recommended Disposition (Doc. 110)

are ADOPTED;

3. The Court grants in part and denies in part the Motion to Dismiss (Doc. 29). The Court grants the motion with respect to the Section 1983 claims and denies it with respect to the New Mexico Tort Claims Act claims. The Court rules on the New Mexico Corrections Department's renewed motion to dismiss (Doc. 57) in the same way.

A handwritten signature in black ink, appearing to read "Rafael A. [unclear]", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE